

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Improving Public Safety Communications)	
in the 800 MHz Band)	WT Docket 02-55
)	
Consolidating the 800 and 900 MHz)	
Industrial/Land Transportation and)	
Business Pools Channels)	ET Docket No. 00-258
)	
Amendment of Part 2 of the Commission's)	
Rules to Allocate Spectrum Below 3 GHz)	
for Mobile and Fixed Services to Support)	
the Introduction of New Advanced)	
Wireless Services, Including Third)	RM-9498
Generation Wireless Systems)	
)	
Petition for Rule Making of the Wireless)	
Information Networks Forum Concerning)	
the Unlicensed Personal Communications)	
Service)	RM-10024
)	
Petition for Rule Making of UT Starcom,)	
Inc. Concerning the Unlicensed Personal)	
Communications Service)	ET Docket No. 95-18
)	
Amendment of Section 2.106 of the)	
Commission's Rules to Allocate Spectrum)	
at 2 GHz for use by the Mobile Satellite)	
Service)	

To: The Commission

Petition for Reconsideration

Exelon Corporation ("Exelon"), by its undersigned counsel, pursuant to Section 1.429 of the Commission's Rules, hereby requests the Commission to reconsider two aspects of the Report and Order ("R&O") in the above-captioned proceeding, (*Report*

and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, WT Docket No. 02-55 *et al.*, FCC 04-168, released August 6, 2004), notice of which was published in the Federal Register on November 22, 2004 (69 Fed. Reg. 67823).

As more fully set forth in this Petition, Exelon requests reconsideration of two parts of the R&O, as follows: (1) applying to the 900 MHz band the interference protection requirements set forth in the R&O for the 800 MHz band, and (2) providing critical infrastructure industries (“CII”) the same priority as is afforded public safety under the R&O to acquire additional 800 MHz band spectrum vacated by Nextel in the rebanding process.

I. Statement of Interest

1. Exelon is a registered public utility holding company, and through its subsidiaries, provides for the generation, transmission and distribution of electricity in various parts of the United States. Exelon Generation Company, LLC (“Exelon Generation”) owns generation stations in the Northeast, Mid-Atlantic, Midwest, and Texas regions of the U.S. Commonwealth Edison Company (“ComEd”) is engaged principally in the purchase, transmission, distribution and sale of electricity to residential, commercial, industrial and wholesale customers in the City of Chicago and Northern Illinois. PECO Energy Company (“PECO”) is engaged principally in the purchase, transmission, distribution and sale of electricity to residential, commercial and industrial customers in Philadelphia and southeastern Pennsylvania and the sale of natural gas to residential, commercial and industrial customers in the Pennsylvania counties

surrounding the City of Philadelphia. ComEd and PECO distribute electricity to approximately 5.1 million customers and PECO distributes gas to 460,000 customers.

2. PECO holds FCC licenses for its 800 MHz Private Land Mobile Radio (“PLMR”) system, ComEd holds FCC licenses for its 900 MHz PLMR radio system, and Exelon Generation holds FCC licenses for its 900 PLMR system.

3. Exelon has been active in this proceeding since its inception, on its own behalf, as a member of its trade association, the United Telecom Council (“UTC”), and as a proponent of the “Balanced Approach” as set forth by a coalition of interested parties, including the UTC, the Edison Electric Institute, and the Cellular Telecommunications Industry Association, as well as numerous individual utility and telecommunications companies, as well as state and local governments. (See, for example, Exelon Comments filed in WT Docket No. 02-55, filed February 10, 2003.)

4. Exelon’s generation, transmission and distribution systems are part of the nation’s critical electricity infrastructure. The Commission has recognized the importance of the electric utility industry by designating its inclusion in the R&O as a CII, and by providing certain protections to CII radio systems that are not available to PLMRs in general.

5. Exelon’s various private radio systems are a critical part of Exelon’s infrastructure necessary to keep the nation’s supply of energy reliable and secure. Exelon Generation’s 900 MHz radio system is used for communications in and around five nuclear generating stations in the Mid-West – Braidwood (Braidwood, IL), Byron (Byron, IL), Clinton (Clinton, IL), Dresden (Morris, IL), LaSalle (Seneca, IL) and Quad

Cities (Cordova, IL). Their 900 MHz radio systems are of vital importance to the operation of these plants.

6. PECO's 800 MHz and ComEd's 900 MHz radio systems are two-way and are used for voice dispatch of construction, repair and storm restoration crews, supporting field line crews, field service personnel, and customer response and emergency preparedness and response functions. PECO also has a 900 MHz radio system to operate a SCADA (Supervisory Control and Data Acquisition) system that is used to restore power during storm outages.

7. In the event of damage to Exelon's facilities and equipment, whether caused by natural events, terrorism or otherwise, Exelon's radio systems must be available and fully functioning to ensure the restoration of critical services. Should a power outage occur, public safety agencies, most notably police and fire departments, would be among the primary customers to benefit from the quick restoration of service, especially to power their own private radio systems.

II. The Interference Abatement and Enhanced Best Practices Protections of the Rule and Order Should be Extended to 900 MHz Licensees.

8. The Commission is to be praised for making interference protection one of the two prongs of its approach to abating interference in the 800 MHz band for all licensees. However, for all the reasons that it is good public policy to impose interference protection in the 800 MHz band, the same reasoning applies to the 900 MHz band. This Petition has set forth the vital importance of Exelon's 900 MHz radio systems in its nuclear generation, transmission and distribution systems. In this regard the need

for interference protection is no different than for its 800 MHz radio systems. The situation in the 900 MHz band will be further exacerbated by allowing Specialized Mobile Radio (“SMR”) and Enhanced Specialized Mobile Radio (“ESMR”) licensees operate cellular systems in the 900 MHz band, including Nextel and other commercial operators. Unless equivalent interference abatement requirements are established in the 900 MHz band, licensees will inevitably be faced with the same interference problems that necessitated the remedies in the R&O in the first place. Exelon is cognizant that the Commission is aware of these potential interference problems, and has stated that it will not hesitate to impose interference protections if necessary; however, Exelon respectfully submits that given the importance of the 900 MHz radio systems to Exelon and other CII, the prudent course would be a proactive one and impose the interference abatement requirements now.

III. Critical Infrastructure Industries Should be Afforded the Same Priority to obtain additional 800 MHz Spectrum as Public Safety.

9. The record in this proceeding documents the importance of CII to public safety agencies. CII will have a continuing need for additional spectrum, as their operations and service territories grow, and as they desire to stay current with radio technology, especially the emerging cellular technologies. While the Rule and Order does recognize a limited priority for CII, it is important that it be the same as that afforded public safety, given the important support role that CII plays for public safety, and to ensure that adequate and compatible spectrum is available for CII.

IV. Conclusion

For the reasons stated herein, Exelon respectfully requests that the Commission reconsider the Report and Order.

Respectfully submitted,

EXELON CORPORATION

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